

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3516 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?
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RAMBHAI L JAMANG

Versus

STATE OF GUJARAT

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Appearance:

MR RJ OZA for Petitioners  
MS SIDDHI TALATI for Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/10/97

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. On 8-8-1986, this petition was ordered to be heard with special civil application No.1983/85. The aforesaid special civil application has already been decided. I called the judgment/order passed in the said special civil application and therefrom I find that it has been withdrawn by the counsel for the petitioner on

the ground that it is filed against the provisional seniority list.

3. In this special civil application, the petitioners who were working at the relevant time as Sales Tax Inspectors in the Sales Tax Department of the Government of Gujarat, prayed for direction to the respondents to give them the promotion to the post of Sales Tax Officer Class-II from the select list prepared in the year 1984. It is a case of the petitioners that they all belong to scheduled tribe community and in the year 1984, a select list of the candidates belonging to this community has been prepared for giving the promotions against the reserved vacancies of the Sales Tax Officer Class-II.

4. The learned counsel for the respondents made a statement before this Court that all the petitioners were given the promotion to the post of Sales Tax Officer Class-II in February, 1985. Though this petition has been filed by the petitioners on 24th June, 1985 but the petitioners have conveniently not disclosed this fact before this Court. It is expected of all the litigants who come before this Court claiming its equity jurisdiction to disclose all the relevant facts candidly and fairly. Be that as it may. The petitioners have been given the promotions, and as such, the substantial grievance of them no more survives. The only grievance made by the petitioners in this special civil application is that they should have been given the promotions from the select list of the year 1984 prepared for the reserved categories of employees for promotion to the next higher post of Sales Tax Officer Class-II and in case still this grievance of the petitioners survive then it is open to them to file a representation to the respondent-State and in case such a representation is filed then it is expected of the respondent-State to decide the same within reasonable time and pass a speaking order where the grievance of the petitioners is not accepted. The special civil application and rule stand disposed of in the aforesaid terms with no order as to costs. Interim relief, if any, granted by this Court stands vacated.

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